



# **MEETING MINUTES**

## **BOARD OF SUPERVISORS, COUNTY OF MONO**

### **STATE OF CALIFORNIA**

Regular Meetings: The First, Second,  
and Third Tuesday of each month

**REGULAR MEETING**  
**October 9, 2007**

County Courthouse  
Bridgeport, California 93517

**9:00 a.m. Meeting Called to Order by Chairman Hazard**

**Pledge of Allegiance led by Marshall Rudolph, County Counsel**

### **OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**

Gary Nelson, school bus driver in Lee Vining and resident of Mono City: For the last two years he has been trying to reserve a plot in the Mono Lake Cemetery. Regarding assignment of plots and fees, he hopes Mono Basin residents will be given priority. Supervisor Reid said the Bridgeport RPAC discussed this issue at their last meeting, and will discuss it at the next meeting. There is a lot of concern about lot allocation, fees, and maintenance; the communities want input. Chairman Hazard asked if there is pressure outside the local community for plots. Kelly Garcia said about half of the burials they do are nonresidents. Nelson expressed concern about the increasing costs for a plot.

### **BOARD MEMBER REPORTS**

**Supervisor Reid** reported on the following issues and activities:

1. Attended the Antelope Valley RPAC meeting on the 4<sup>th</sup>. Discussed the following: surveying high school students about youth activities in the community; reviewed the forest service maps; decided to conduct a survey about the future direction of the valley. Reid told Tim Fesko that Marshall Rudolph will contact him about the lot-line adjustment issue.
2. Attended the deer hunters' BBQ on Saturday; it was well attended.
3. Yesterday spoke with Mary Miller from IMAAA: the new site coordinator (Claudia Bonnett) should start around the 18<sup>th</sup>. The cook is on administrative leave; he failed two of the health and food tests. The head cook in Bishop spent the week in Walker; the site meals increased as did the home deliveries.
4. Met with Wally McPherson, Jr., yesterday; talked about potential changes in the cemetery process. He was also concerned about County employees not returning phone calls; this should be addressed.
5. Met with the Northern Mono Chamber of Commerce; they are very active. The fall festival will be held next weekend; they have over 30 paid vendors. They also talked about the ATV event in 2008. They are concerned about the High Point project; the road will be closed for considerable amounts of time. Reid suggested they give Caltrans a lot of input.
6. Cougar Gold, a Canadian mining company, is interested in the old Paramount Mine, up Aurora Canyon Road. I met with two of their representatives; they will keep us updated on their progress.

**Supervisor Hunt** reported on the following issues and activities:

1. Met with Bill Dunkelberger on October 3<sup>rd</sup>; will get a report today about a grant proposal.

2. Attended the County-Town Liaison special meeting to discuss the parcel exchange; the Board talked about it in closed session today.
3. Attended the ESTA meeting on October 5<sup>th</sup>. Bus fares haven't been raised since 1997; need to be more fiscally astute. Will research increase in fares. There is a negative fund balance, but revenue should increase with grant funding. The first two months were under budget. The Executive Director consulting services end December 31; there is pressure to determine the status of a director. They met in closed session to talk about labor negotiations.

**Supervisor Bauer** reported on the following issues and activities:

1. Storage has been found for the bus in the North County; Public Works is resolving this issue.
2. Attended the June Lakes CAC meeting; it went well, had good attendance. Issues are moving forward.
3. As long as funds are available the ESTA subcommittee wants to have an executive director, especially now that they are gaining momentum.
4. The Mammoth High football team won on Friday.
5. Filled the third position on the YARTS advisory committee. They have started to consider different transit connections on YARTS to avoid duplication of services.
6. The economic development study for June Lake has started. The stakeholders are being organized.

**Supervisor Farnetti** reported on the following issues and activities:

1. Attended the Town-County Liaison meeting as an interested party (not as a Board Member). It was a good meeting.
2. Tomorrow will attend the Solid Waste Task Force meeting and will attend LTC on Monday.
3. Drove to San Francisco over the weekend; Farnetti's daughter flew in from New York to set up an apartment. The Blue Angels flew over; there was also a Columbus Day parade.

**Chairman Hazard** reported on the following issues and activities:

1. Attended the Chalfant visioning process on the 3<sup>rd</sup>. It was the last of the three meetings; the report should be coming to the Board soon. The community prefers maintaining the status quo. They want development to occur within existing boundaries.
2. Attended the Town-County Liaison meeting on the 4<sup>th</sup>; felt the Town understood the County's concerns.
3. Held office hours in Benton on the 5<sup>th</sup>; many citizens stopped by. The flood channel through the Hammil Valley area is an issue. Marshall Rudolph will follow-up with Public Works.
4. The adjourned meeting for October 16<sup>th</sup> will be in Crowley Lake; the meeting in November will be in Chalfant to discuss the White Mountain project.
5. Regarding the Stickles project, a land swap has been discussed. The meeting was productive and there will be a follow-up. Hazard will update the Board as information becomes available.

## COUNTY ADMINISTRATIVE OFFICE

- 1) CAO Report regarding Board Assignments (**David Wilbrecht**)  
**RECOMMENDED ACTION:** Receive brief oral report by County Administrative Officer (CAO) regarding his activities.

**David Wilbrecht**, CAO, reported on the following issues and activities:

1. Attended the agenda review committee meeting; they are working to facilitate the new software. Parallel systems will be running concurrent with training, which will be conducted

- shortly.
2. Followed-up with the Town-County Liaison regarding the parcel exchange. This will soon be complete.
  3. Spent time last Friday reviewing the new policies and procedures manual. County Counsel did a great job from the legal perspective. Analysis should be completed by the end of the year.
  4. Had a two-hour meeting with the Grand Jury; they are interested in Supervisor Hazard's letter on behalf of the Board regarding the Assessor. The Grand Jury will start interviewing staff, Board members, and administrators. They will expedite their findings and recommendations.

## CLOSED SESSION

### *Closed Session 9:10 a.m. through 10:00 a.m.*

- 2) CONFERENCE WITH LABOR NEGOTIATORS. Government Code section 54957.6. Agency designated representatives: David Wilbrecht, Marshall Rudolph, Robert Garret, and Brian Muir. Unrepresented Employees: Public Health Nursing Professional Contract.
- 3) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Government Code section 54956.8. Property: 107655 Highway 395, Walker, CA. Agency negotiators: Ann Gimpel, Dave Wilbrecht, Brian Muir, and Marshall Rudolph. Negotiating parties: Mono County and Mr. Chichester. Under negotiation: price.
- 4) CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION. Government Code section 54956.9(a). Name of Case: *United States of America and Walker River Paiute Tribe v. Walker River Irrigation District, et al.* (U.S. Dist. Ct., Nevada District, Case No. C-125).
- 5) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION. Subdivision (a) of Government Code section 54956.9. Name of cases: *Coleman et al. v. Schwarzenegger et al*; *Plata et al. v. Schwarzenegger et al.*
- 6) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Government Code section 54956.8. Property: that certain parcel in the Town of Mammoth Lakes, bounded by Highway 203, Sierra Park Road, and Mammoth Hospital. Agency negotiators: Dave Wilbrecht, Marshall Rudolph, Brian Muir, Evan Nikirk, and Mark Magit. Negotiating parties: Mono County, the Town of Mammoth Lakes, and the Judicial Council/Administrative Office of the Courts. Under negotiation: price and terms of payment.
- 7) PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Government Code section 54957. Title: County Counsel.

**8) PUBLIC EMPLOYEE PERFORMANCE EVALUATION.** Government Code section 54957. Title: County Administrator.

Marshall Rudolph, County Counsel, reported on Item #5: The Board ratified the Sheriff's entry into a legal services agreement for representation in the legal cases referenced. There is no cost for the agreement.

***Break from 10:00 a.m. through 10:10 a.m.; reconvened at 10:10 a.m.***

**DEPARTMENT REPORTS/EMERGING ISSUES**

**Clay Neely** reported on the following:

1. Regarding costs for training approved by the Board last week, Neely distributed a detailed summary. The majority of the cost is for Kirk's three-day training; also, Neely got a better rate on the hotel room.
2. There is now wireless connection in Memorial Hall; it is encrypted.
3. In response to a question about junk email, Neely said it is very difficult to control and there is no way to catch all of it.
4. The satellite connection in Walker has been installed; it is not on the network. There is a satellite connection at the Chalfant Community Center, and one will be installed at the Lee Vining Community Center.

**Robert Garret** reported on the following:

1. On June 19<sup>th</sup> the Board passed a resolution allowing for pre-tax payroll deductions buying time from CalPERS. Garret later found out that the CalPERS resolution format was changed and the Board will need to re-approve the resolution. Garret will put it on the consent agenda for next week.

**Mark Mikulicich** reported on the following:

1. Four issues: (a) The MOU with Mammoth Lakes Fire Department is close to being finalized; the document will meet the needs of both agencies. (b) Received a request to do an exclusive stand-by to provide an ambulance for a Swiss snow-boarding organization; this is a five-day event at McGee Mountain and they will pay a fee. The request requires a contract and a commitment. (c) Conceptually working on a reserve paramedic program that would be open to paramedics who have retired or resigned and are still in good standing. There are benefits to having this program, such as during times of disasters. (d) Regarding the ambulance purchase, the ambulance committee has been conducting research. They have determined there are two manufacturers that meet the County's needs. These items will be addressed before the Board at a workshop.
2. In answer to a question about the short beds at the Mammoth Lakes Fire Station, the beds have been switched so the problem is solved.
3. Looking at winterizing the station in Walker.

**Brian Muir** reported on the following:

1. Attended the annual tax collector's/treasurer conference last week: (a) There is apparently a state-wide problem with refinancing school bond issues. Cash is taken out and used for other purposes. The Attorney General has not issued an opinion. Muir does not think this is the correct use of funds. (b) Placer County has a big hydroelectric system; it was originally built as a county project then turned over to PG&E. The county has decided to take it back

and has formed a JPA for the district; apparently PG&E has made a substantial profit. The citizens will have this resource and profits will be split between the county and the special district. (c) Attended a presentation about Freddy Mac. Discussed problems and how they are regionalized. Issues may continue to be a problem for another year, but thinking is that this won't be a big crisis.

## REGULAR AGENDA

### CORRESPONDENCE RECEIVED (INFORMATIONAL)

All items listed are available for review and are located in the Office of the Clerk of the Board

#	Received	Dated	From	Subject
9a)	9/25/07	9/12/07	Gary Olson, Chairman Inyo-Mono Fish & Game Advisory Commission	Request for the release of funds to the Hot Creek Hatchery Foundation for the purpose of replacing the aeration system at Junction Reservoir.
9b)	9/26/07	9/10/07	Thomas Stephenson, Acting Program Leader Sierra Nevada Bighorn Sheep Recovery Program	Report summarizing activities of the Sierra Nevada Bighorn Sheep Recovery Program during April-June 2007.

Chairman Hazard said Item 9a) will be put on the consent agenda as soon as possible. He acknowledged receipt of all correspondence.

## DEPARTMENT OF FINANCE

- 10)** Post-Retirement Healthcare Plan (**Brian Muir**)  
**R07-71** **ACTION:** Adopt **Resolution R07-71** authorizing participation in the Public Agency Retirement Services (PARS) Post-Retirement Health Care Plan Trust to be administered by PARS and the Union Bank of California, appointing the Director of Finance as the County's Plan Administrator, and authorizing him to execute the required documents and administer the program.  
**(Hunt/Farnetti, 5-0)**

Brian Muir: Approval of this resolution allows the County to participate in a revocable trust. The program was capped in 2002, but nearly \$2.5 million has been set aside for the benefits. Action on this issue is required under GASBY, and rating agencies are interested in knowing that counties are solving the problem. If the funds are put in the trust, the money can only be used for retiree health benefits. The Board could leave the money in the budget and use the cash; however, Muir would be limited as to the investments he can make. By putting the money into the trust, it will earn more on the investment. If the Board keeps the money in the treasury, the County can't specify on financial statements that it is a reduction of the liability. Although it is set aside, the Board could choose to use the funds. When the \$2.5 million is put in the trust, the Board won't have the money available for cash flow.

## BOARD OF SUPERVISORS

11a)

Update from the U.S. Forest Service (**Nancy Upham**)

**ACTION:** Receive update regarding the Trail Management Plan. Meet the new Inyo National Forest Supervisor, Jim Upchurch.

Nancy Upham introduced the new forest supervisor, Jim Upchurch. Mr. Upchurch said he looks forward to working with the Board of Supervisors, and invited the Board to contact him if they have any questions.

Marty Horneck is the trail program coordinator and route designation project leader, and oversees motorized vehicles on trails. Horneck said they are starting the formal NEPA process on trails designation; they inventoried all routes in the forest in 2002. There are about 3,000 miles of routes within their jurisdiction; an additional 700 miles are under other jurisdictions. The public has been helping identify routes. He spent last year determining the routes to include in the system for motorized use; the proposed action will confine use to a system of trails. The comment period will close on November 15<sup>th</sup>; comments will then be reviewed and issues solved using a variety of alternatives. Horneck answered questions from Board Members:

- Difference between a road and a trail: A road is open to any vehicle; a trail is managed for vehicles under 50 inches in width. This project does not address non-motorized traffic.
- Signage will be installed to designate the difference between a road and a trail. The process is nationally driven and a lot of the criteria are the same between national forests (i.e., between the Inyo and Toiyabe forests). At the end of the project, hopefully the public will have a better understanding of the designations.
- Regarding closure of current roads and trails, this process is just designating roads and trails that will be sustainable; it does not address closures. Approximately 900 miles of roadways will not be on the map; did not receive as many public comments as hoped for. Roadless areas that cannot be designated as system roads may raise issues.
- The maps are available on the web or on CDs (two CDs are on file in the Clerk's Office). The Motor Vehicle Use map (small maps for public use) will be ready probably during winter of 2009. This map will be reviewed every year to determine if roads need to be opened or closed.
- This project is the major baseline and then incidental changes will be made.
- Regarding potential maintenance costs, this is factored in as part of the criteria.
- Received some funding from the California OHV Commission for the process; the regional office is trying to get additional funding.

Supervisor Farnetti said this is a workable plan; public comments will be interesting. Chairman Hazard said the process works and is progressing well, but there might be some divisiveness during the public comment process, especially about the 900 miles. Upham said Board Members should remind constituents that this is a proposal and not a decision; the forest service wants comments about the 900 miles. Michael Schlaffmann said they have gone through a long process to figure out historically which roads should be in the system, and keep the number in the system that is appropriate.

Tony Dublino, The Sheet, asked about big horn sheep habitat. Horneck said in some cases they will have to consult with other agencies. Schlaffmann said they are not far enough into the process to know the details about the critical habitat designations. The Crowley allotment is the primary area

that could be affected; they are currently looking at needs and ways to protect critical habitat. Stacey Powells, Mammoth Times, asked if the federal government will provide funding for enforcement. Horneck said once the system is designated it will be easier to request funds; currently they can't make a lot of on-the-ground decisions without the overriding document.

- 11b)** CSAC Board of Directors Member and Alternate for 2008  
**M07-239** **ACTION:** (1) Reappoint Supervisor Bauer as the CSAC Board of Directors Member for 2008. (2) Appoint Supervisor Hazard as the CSAC Board of Directors Alternate for 2008.  
*(Farnetti/Hunt, 5-0)*

Supervisor Bauer said she is willing to serve again, although she suggested Chairman Hazard would be a good representative. Chairman Hazard said he does not have time this year. Supervisor Farnetti said Bauer is doing a good job and she has made good connections. Supervisor Hunt said he is busy with RCRC and would prefer to look at a new appointment next year. Hazard said he would be the alternate.

- 11c)** Response to the Mono County 2006-2007 Grand Jury Report (**David Wilbrecht**)  
**M07-240** **ACTION:** Approve the Chair's signature on a letter drafted by staff on behalf of the Board of Supervisors to Presiding Judge Forstenzer regarding the 2006-2007 Grand Jury Report (attached).  
*(Bauer/Hunt 5-0)*

David Wilbrecht: Asked for a correction to the letter; Judge Ellers is not currently the presiding judge. Wilbrecht has reviewed the report and it is straight-forward; he did respond to the last item regarding the jail facility. He did not recommend any other modifications.

Supervisor Reid suggested attaching a copy of the report to the letter. The other Board Members agreed; Wilbrecht said he would do so. In response to a question, Marshall Rudolph said the Board is required to respond and it is a response on behalf of the Board and the County. Also, the response is a public record and all responses are kept on file by the courts for use and information by the public.

## **PUBLIC WORKS**

- 12)** Consulting Services Contract for Subdivision Ordinance Revision (**Evan Nikirk**)  
**M07-241** **ACTION:** Authorize the Public Works Director (in consultation with County Counsel) to execute a consulting services agreement with Richard Boardman in an amount not to exceed \$8,000 to provide technical assistance with revision of Title 17 of the Mono County Code ("subdivision ordinance"). This authorization shall include making minor amendments to said agreement from time to time as the Public Works Director may deem necessary, provided such amendments do not substantially alter the scope of work or budget and are approved as to form by County Counsel.  
*(Hunt/Bauer, 5-0)*

Evan Nikirk: The purpose of this contract is to continue using Richard Boardman's services to assist Mono County with the development of a subdivision ordinance. The ordinance is long overdue; some sections are inconsistent or in conflict with the map act. Nikirk did not anticipate using the entire \$8,000 because the process is far enough along; but if more work is needed, the funding is available. The expense has been anticipated in the Public Works budget. In response to questions, Nikirk said Boardman is an independent contractor; he is retired but the work won't approach the hourly or daily limit under PERS. Also, Boardman was responsible for implementing the initial draft, so he has a good working knowledge of the subdivision map act along with various processes that require compliance. He is a disinterested third party and not involved in the local development process, but his experience with Mono County projects is useful. The department will also be including local surveyors in the process.

### ~ LUNCH RECESS ~

***Break from 12:10 p.m. through 1:05 p.m.; reconvened at 1:05 p.m.***

## **OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**

No one spoke.

## **COMMUNITY DEVELOPMENT**

### **13) Land Tenure Educational Visioning Workshop (Bill Dunkelberger, BLM Area Manager)**

**ACTION:** Conduct workshop with Bill Dunkelberger, BLM Area Manager, regarding land tenure visioning; provide any desired direction to staff.

Bill Dunkelberger distributed and discussed a two-page summary of the proposed Sierra Nevada Conservancy (SNC) Strategic Opportunity Grant request:

- The land tenure project identified four steps: (1) Conduct an inventory of disposable land in Inyo and Mono Counties; this has been completed. (2-4) Encourage counties to conduct community identification of desired expansion needs and locations; identify and prioritize areas and key land parcels desired by communities for expansion; using inventory and community input, encourage counties and land agencies to work collaboratively to facilitate mutually beneficial land disposals.
- Proposed submitting a grant to complete steps 2-4; it would be appropriate for Mono and Inyo Counties to be the grant applicants. If successful, they would form a steering committee that would include the Sierra Business Council, and representatives from both counties would be included on the committee. A consultant would prepare and present summary workshop findings and recommendations, identifying short-term land adjustment opportunities.
- Would conduct community outreach to educate the public about available lands, and receive public input about community growth. Would have them consider available opportunities. Would prepare a summary report for both Boards of Supervisors and various land agencies. This process should take about 18-months.
- The cost should be about \$100,000 or less.
- The grant is strong since it addresses regional cooperation.
- The Tri-Valley area has over 2,000 acres available for disposal, so there is an opportunity for community expansion.



Supervisor Reid: This project is on target with the visioning process; Reid suggested considering meeting with the Antelope Valley RPAC to give the community an overview of the project, and explain why the northern end of the County is not included.

Supervisor Farnetti: Asked if any land around Mammoth is suitable for exchange. Dunkelberger said not currently, but it is worth having a workshop.

Supervisor Hunt: This process helps lay the groundwork for potential exchanges; it provides a research tool for what might be done. Hunt supported the process.

Supervisor Bauer: Asked if the forest service has identified parcels. Dunkelberger said only a few parcels around Lone Pine and Sunny Slopes. More parcels may be identified after the public workshops. Bauer asked for a workshop in the June Lake community.

Chairman Hazard: This process has been used in communities and it was very productive. This will be a great tool for the future.

Mary Canada (Sierra Business Council): SBC has been involved with this project and was asked to be involved with the grant application.

Dunkelberger: Will need to come back before the Board in November to ask for support for a resolution. He asked for direction about how to proceed. Chairman Hazard suggested Dunkelberger continue working with Scott Burns and bring the item back to the Board when it is ready. Dunkelberger said Mono County may want to be the lead agency on this proposed grant since Inyo County is submitting two other grants.

Tony Dublino, The Sheet, asked about the status of the Bridgeport Indian Colony land deal. Dunkelberger said the decision was appealed by several parties, but they agreed to mediate and to initiate a settlement. The situation is looking positive.

## **ADJOURNED: 1:35 p.m.**

Mono County Board of Supervisors next regular session will be on **October 16, 2007**, at the hour of 9:00 a.m. in the Board Chambers, County Courthouse, Bridgeport, California.

## **Economic Development Corporation Annual Meeting, 1:00 p.m. or following the Board of Supervisors' Regular Meeting**

NOTE: The meeting of the Economic Development Corporation was postponed until October 16, 2007.

§§§§§